

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SYLVESTER TWINE,

Plaintiff,

ORDER
09 CV 5730 (JBW)(LB)

- against -

DETECTIVE DAMIAN VIZCARRONDO
and DETECTIVE BRIAN FITZPATRICK,

Defendants.

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BLOOM, United States Magistrate Judge:

Defendants move to compel plaintiff to provide a complete response to defendants' first set of interrogatories and to execute a release for his medical records. See Docket Entry 29. Defendants also request an extension of the discovery deadline to sixty (60) days after plaintiff has responded in full to defendants' discovery demands. Defendants' requests are denied without prejudice, however the Court extends the discovery deadline to October 15, 2010.

Defendants' counsel has failed to show that he has made *any* effort to resolve this discovery dispute with plaintiff. Counsel states that he received plaintiff's response to defendants' first set of interrogatories on August 23, 2010. Immediately on August 24, 2010, defendants moved to compel plaintiff to respond to two of the interrogatories relating to plaintiff's arrest and conviction history and to properly execute a release for his medical records. Even though plaintiff is currently incarcerated, defense counsel must attempt to confer in good faith with plaintiff to resolve any discovery dispute before seeking Court intervention. Fed. R. Civ. P. 37(a)(1). Plaintiff is advised that if he alleges that he suffered emotional distress or physical injury to his wrists as a result of his arrest and prosecution, he must provide defense counsel a notarized medical records release. If plaintiff fails to execute a release for his medical

records, he may be prevented from submitting proof regarding his damages for these alleged injuries.

Plaintiff also moves to amend his complaint and has attached a proposed amended complaint. See Docket Entry 30. Defendants shall respond to plaintiff's motion to amend by September 8, 2010.

SO ORDERED.

/S/

~~LOIS BLOOM~~
United States Magistrate Judge

Dated: August 31, 2010
Brooklyn, New York